

### REMARKS

Claims 9 to 16, 20 and 21 are pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 9 to 16, 20 and 21 were rejected under 35 U.S.C. § 102(e) as anticipated by PCT Published International Patent Application No. WO 96/39632 ("Martin").

Claim 1 relates to a micromechanical component having a body having a hollow space and a region of porous silicon located contiguously thereto, in which the region of porous silicon is provided for lowering a pressure prevailing in the hollow space, *in that gases are bound to the porous silicon*.

It is respectfully submitted that the Martin reference does not identically disclose (or even suggest) the feature of a region of porous silicon provided for lowering a pressure prevailing in a contiguously located hollow space by *binding gases to the porous silicon*, as provided for in the context of claim 1. Instead, Martin at most refers to using porous silicon structures only to *absorb moisture*. In particular, Martin specifically states that "[p]orous silicon structures have oxide surfaces that absorb moisture", and "[t]hus porous silicon etched into the internal surface of the cap will gather any moisture which may diffuse through the adhesive seal." While the Final Office Action emptily asserts that "if the prior art structure is capable of performing the intended use, then it meets the claim", there has been no assertion that the region of porous silicon of Martin can bind gases--as opposed to merely absorbing moisture.

Accordingly, for at least these reasons, it is respectfully submitted that the Martin reference does not anticipate claim 9, it is therefore allowable.

Claims 10 to 13 and 20 depend from claim 9, and are therefore allowable for at least the same reasons as claim 9.

Claims 14 to 16, as presented, include features essentially analogous to those of claim 9, and are therefore allowable for essentially the same reasons as claim 9.

Claim 21 depends from claim 14, and therefore is allowable for the same reasons as claim 14.

Withdrawal of the anticipation rejections is therefore respectfully requested.

In sum, claims 9 to 16, 20 and 21 are allowable for at least the above reasons.

**Conclusion**

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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